

## **REMARKS**

Claims 13-20 are pending in the application.

Applicants note the Examiner has withdrawn the paragraph 103(a) rejection.

Reconsideration of the rejection set forth in the Office Action is requested based on the following remarks.

### **I. Amendments to the Specification.**

In the specification, paragraph [0001] has been amended to cancel reference to priority from U.S. provisional application No. 60/366,784, filed March 22, 2003.

### **II. Clarification of Priority Data.**

Moreover, the Examiner's attention is drawn to this case's Filing Receipt dated March 22, 2004 and this case's published application (US 2004/0127702); where the priority data on both documents inaccurately excludes reference to U.S. application No. 10/392,833, filed March 21, 2003.

A priority claim which included reference to U.S. application No. 10/392,833 was timely made in a "Joint Declaration for Patent Application" filed with the patent office on January 12, 2004. In addition, a priority claim which included a reference to U.S. application No. 10/392,833 was also presented in paragraph [0001] of the as-filed application on September 19, 2003.

Therefore, the patent office is requested to revise the priority data (*i.e.*, related application data) to include a reference to U.S. application No. 10/392,833, filed March 21, 2003 so that any issued patent will correctly list the related applications. Thus, the correct related application data for any issued patent should reference the following: *Ser. No. 60/411,874, filed Sep. 19, 2002; Ser. No. 60/425,596; filed Nov. 12, 2002 and Ser. No. 10/392,833, filed Mar. 21, 2003.*

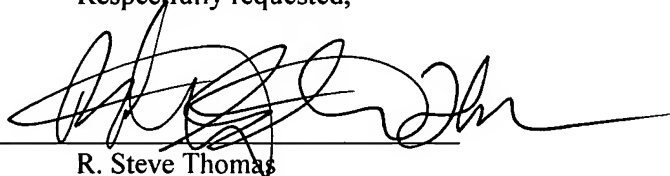
### **III. Provisionally Rejected Claims Under Nonstatutory Double Patenting**

Claims 13-20 are provisionally rejected under the judicially-created doctrine of obviousness-type double patenting based upon claims 16-38 of copending Application No. 10/392,833.

A Terminal Disclaimer is enclosed to further the allowance of the application. Without acquiescing to the propriety of this rejection, applicants submit herewith a Terminal Disclaimer, which is believed sufficient to obviate this rejection.

Therefore, Applicants respectfully request the Examiner to reconsider the rejection in the Office Action and allow this Application. The Examiner is invited to telephone the undersigned should any issues remain after the consideration of this response. Please charge any additional fees or credit any overpayments that may be required to Deposit Account No. 19-1025.

Respectfully requested,

A handwritten signature in black ink, appearing to read 'R. Steve Thomas', is written over a horizontal line.

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